



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,184	11/21/2000	Richie D. Barnes	27850-1	1323

7590

06/05/2003

Michael A Mann
NEXSEN PRUET JACOBS & POLLARD LLP
P O DRWR 2426
Columbia, SC 29202-2426

EXAMINER

PENDLETON, BRIAN T

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 06/05/2003

to

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/721,184

Applicant(s)

BARNES, RICHIE

Examiner

Brian T. Pendleton

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 21-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popular Mechanics, December 2000 issue ("Popular Mechanics") in view of Parts Express 1998 Catalog ("Parts Express"), page 260. Popular Mechanics teaches a motorcycle having a seat, audio component, and cowling. The feature of having audio components mounted behind a rider was explicitly taught. The wireless radio was carried within the cowling. One of ordinary skill in the art would have applied these teachings to state of the art devices, namely sportsbikes having batteries which power the motorcycle. It was well known at the time of invention that vehicles use batteries to power the engine and other "on-board" equipment. Therefore, it would have been obvious to one of ordinary skill in the art to utilize the battery carried by a sportsbike to power the audio components. Locating the audio component behind the rider would have also entailed providing an amplifier and audio transducer. To the extent not explicitly disclosed, it was to also obvious to use conventional means to conduct power

Art Unit: 2644

from the battery to the audio component. An artisan presented with the Parts Express teaching would have realized the benefit of including a capacitor in parallel with the battery. It was suggested that power supply capacitors can boost the power to amplifiers in car stereos. The fact that the teaching is directed to car stereos is irrelevant. One of ordinary skill in the art would have capitalized on the benefit of power supply capacitors and equipped a motorcycle with an appropriate sized capacitor to fit in the rear cowling. Claim 21 is met. As to claim 25, there is a speaker in the radio.

Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popular Mechanics in view of Parts Express as applied to claim 21 above, and further in view of Murayama. The combination of Popular Mechanics and Parts Express does not disclose that the audio component is selected from the claimed group or that there is an auxiliary component. Examiner takes Official Notice that vehicles at the time of invention have multiple audio components, like a CD player or cassette player and an AM/FM receiver. Murayama provides one example of a motorcycle with a FM receiver and cassette player. Therefore, it was standard procedure to have such a configuration. One ordinary skill in the art would have been motivated to provide the combination of Popular Mechanics and Parts Express with conventional audio equipment like that of Murayama. It would have been obvious to supply the specific audio components named in the Murayama since they were state of the art components at the time of invention.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Popular Mechanics in view of Parts Express as applied to claim 25 above, and further in view of

Chen. The combination of Popular Mechanics and Parts Express does not disclose that the speaker is housed in an existing structure of the motorcycle such as the rearview-mirror casing. Chen discloses a combined loudspeaker and motorcycle driving mirror. The loudspeaker is housed in the rearview-mirror. It was beneficial to use the combined speaker and mirror apparatus of Chen because it saved on space and because of its proximity to the rider would have increased the clearness of the audio sounds. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate speakers to the audio components in the Popular Mechanics and Parts Express combination in the rearview-mirror.

Claims 27 and 28 re rejected under 35 U.S.C. 103(a) as being unpatentable over Popular Mechanics, December 2000 issue ("Popular Mechanics") in view of Parts Express 1998 Catalog ("Parts Express"), page 260. Popular Mechanics teaches a motorcycle having a seat, audio component, and cowling. The feature of having audio components mounted behind a rider was explicitly taught. The wireless radio was carried within the cowling. One of ordinary skill in the art would have applied these teachings to state of the art devices, namely sportsbikes having batteries which power the motorcycle. It was well known at the time of invention that vehicles use batteries to power the engine and other "on-board" equipment. Therefore, it would have been obvious to one of ordinary skill in the art to utilize the battery carried by a sportsbike to power the audio components. To the extent not explicitly disclosed, it was to also obvious to use conventional means to conduct power from the battery to the audio component. An artisan presented with the Parts Express teaching would have realized

Art Unit: 2644

the benefit of including a capacitor in parallel with the battery. It was suggested that power supply capacitors can boost the power to amplifiers in car stereos. The fact that the teaching is directed to car stereos is irrelevant. One of ordinary skill in the art would have capitalized on the benefit of power supply capacitors and equipped a motorcycle with an appropriate sized capacitor to fit in the rear cowling. The combination of Popular Mechanics and Parts Express does not teach that the speaker is mounted forward of the seat of the motorcycle. Chen discloses a combined loudspeaker and motorcycle driving mirror. The loudspeaker is housed in the rearview-mirror. It was beneficial to use the combined speaker and mirror apparatus of Chen because it saved on space and because of its proximity to the rider would have increased the clearness of the audio sounds. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate speakers to the audio components in the Popular Mechanics and Parts Express combination in a rearview-mirror.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 2644

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Pendleton whose telephone number is (703) 305-9509. The examiner can normally be reached on M-F 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Brian Tyrone Pendleton
June 2, 2003



FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600